

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

KIMBERLY LAWSON,

Plaintiff,

v.

JASON PHARMACEUTICALS, LLC,

Defendant.

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Civil Action No. **3:17-CV-2648-L-BT**

ORDER

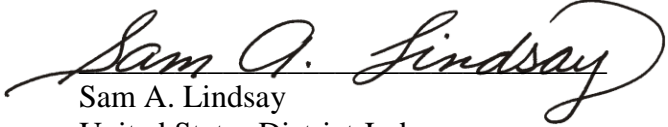
Before the court is Defendant's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(5) and 12(b)(6) (Doc. 16), filed November 9, 2017; Plaintiff's Response, filed November 27, 2017 (Docs. 22 & 23); and Defendant's Reply in Support of Defendant's Motion to Dismiss, filed December 6, 2017 (Doc. 25). This action was brought *pro se* by Kimberly Lawson ("Plaintiff") on September 27, 2017 against Jason Pharmaceuticals, LLC ("Defendant"). On October 13, 2017, Magistrate Judge Paul D. Stickney granted Plaintiff leave to proceed *in forma pauperis*, and ordered the United States Marshals Service to serve Defendant with a copy of Plaintiff's complaint and a summons (Doc. 7). Plaintiff filed an amended complaint on November 7, 2017 (Doc. 13). Defendant was served by the United States Marshals Service on November 16, 2017 (Doc. 29).

On August 13, 2018, United States Magistrate Judge Rebecca Rutherford entered the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report"), recommending that the court grant Defendant's Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6), dismiss Plaintiff's claims without prejudice, and order Plaintiff to file a second amended complaint no later than 21 days after entry of an order accepting the Report. The magistrate court

also recommended that, should Plaintiff fail to file her second amended complaint by the date established, this court should dismiss her claims with prejudice. No objections were filed to the Report.

Having reviewed the record in this case, Report, and applicable law, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants** Defendant's Motion to Dismiss with respect to Plaintiff's original and amended complaint for failure to state a claim, and **orders** Plaintiff to file a second amended complaint no later than **September 18, 2018**. If Plaintiff fails to file a complaint by the deadline, this court will dismiss her claims with prejudice for failure to state a claim upon which relief can be granted. This case is hereby recommitted to Magistrate Judge Rutherford's court for pretrial management.

It is so ordered this 28th day of August, 2018.


Sam A. Lindsay
United States District Judge